

Before the Board of Zoning Adjustment, D. C.

Application No. 12122 of Matthew Donahue, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the prohibition against parking within ten (10) feet of an apartment house (paragraph 7205.22) and three (3) feet of a lot line (paragraph 7205.12) to permit a parking space in the side yard of an existing apartment house in the R-5-A District at the premises 4512 MacArthur Boulevard, N.W. (Square 1356, Lot 859).

HEARING DATE: April 21, 1976

DECISION DATE: May 3, 1976 and May 25, 1976

FINDINGS OF FACT:

1. The property is located in an R-5-A District.
2. The property is improved with a two story brick building used as a four unit apartment house.
3. There is a side yard 8.33 feet wide on the west side of the building.
4. The property presently has no off-street parking places. The applicant proposes to create one space in the side yard of the property, such space to be 19 feet long beginning at the front of the building. A new four unit apartment house constructed in a R-5-A District would require four parking spaces.
5. The space would immediately abut the wall of the building. The Zoning Regulations require a minimum distance of ten feet to be provided between a parking space and an apartment house. A variance of 10 feet is thus required. The space also abuts the side lot line of the property. The Zoning Regulations require a minimum distance of three feet between a parking space and a lot line. A variance of three feet is thus required.
6. There are windows in the wall of the apartment house which abut the parking space. Such windows are in the apartment of the person using the parking space.
7. The neighborhood has a lack of on-street parking spaces.
8. The abutting property to the west has a building with a side yard located on its east side. There is a driveway and yard with a parking space in that yard.
9. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION


The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the lack of on-street parking spaces in the area do create such a difficulty. The Board concludes that there would be no adverse impact on the neighborhood, or negative effect on adjoining property. It is therefore ordered that the application be GRANTED.

VOTE:

3-0 (Martin Klauber, Leonard L. McCants and William S. Harps to grant, Lilla Burt Cummings, Esq. and William F. McIntosh not voting not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:

  
STEVEN E. SHER, Acting  
Secretary to the Board

FINAL DATE OF ORDER: **JUN 16 1976**

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.